

Members:
Ed Donaldson, Chairman
Horace Humphrey, Vice-Chair
Joseph M. Dykes
Vickie Mullins
George Lott



Alternates:
Yvette Carson
Winton McHenry
Nathan Feinberg
Joseph Decosta
Alfonso Ferguson Sr

CUMBERLAND COUNTY BOARD OF ADJUSTMENT

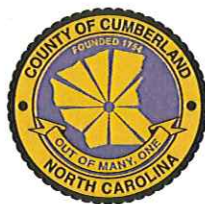
130 Gillespie Street
Fayetteville North Carolina 28301
(910) 678-7602

TENTATIVE AGENDA
OCTOBER 16, 2014
7:00 PM

A meeting of the Cumberland County Board of Adjustment is to be held on Thursday, October 16, 2014, at 7:00 p.m. in Hearing Room #3 of the Historic Courthouse at 130 Gillespie Street, Fayetteville, North Carolina. The agenda is as follows:

1. ROLL CALL
2. SWEAR IN STAFF
3. ADJUSTMENTS TO THE AGENDA
4. APPROVAL OF THE APRIL 17, 2014 MINUTES
5. ABSTENTIONS BY BOARD MEMBERS/BOARD MEMBER DISCLOSURES
6. PUBLIC HEARING DEFERRALS/WITHDRAWALS
7. 2015 DEADLINE SCHEDULE
8. POLICY STATEMENT REGARDING APPEAL PROCESS
9. PUBLIC HEARING(S):
 - **P14-04-C:** CONSIDERATION OF A SPECIAL USE PERMIT TO ALLOW A BILLBOARD IN A C(P) PLANNED COMMERCIAL DISTRICT ON 1.76+/- ACRES; LOCATED ON THE EAST SIDE OF NC HIGHWAY 87 SOUTH, AND ACROSS FROM AND SOUTH OF THE INTERSECTION WITH SR 2220 (TOM STARLING ROAD); SUBMITTED BY CHARLES ANTHONY AND CINDY MARIE ALLEN (OWNERS) AND M. GREY VICK ON BEHALF OF GREY OUTDOOR, LLC.
10. DISCUSSION
11. UPDATE(S)
12. ADJOURNMENT

Members:
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CUMBERLAND COUNTY BOARD OF ADJUSTMENT

130 Gillespie Street
Fayetteville North Carolina 28301
(910) 678-7602

MINUTES
APRIL 17, 2014
7:00 P.M.

Members Present

Ed Donaldson, Chairman
Horace Humphrey
Vickie Mullins
George Lott
Joseph Dykes

Absent Members

none

Staff/Others Present

Robert Haigh
Betty Lynd
Ken Sykes
Robert Hasty, Jr. (Assistant
County Attorney)

Chair Donaldson called the meeting to order at 7:00 p.m. in Public Hearing Room #3 of the Historic Courthouse.

1. ROLL CALL

Mr. Haigh called the roll and stated a quorum was present.

2. SWEAR IN STAFF

Chair Donaldson swore in staff members.

3. ADJUSTMENTS TO THE AGENDA

There were none.

4. APPROVAL OF THE MARCH 20, 2014 MINUTES

Mr. Lott made a motion to approve the minutes as submitted, seconded by Mr. Humphrey. The motion passed unanimously.

	IN FAVOR	OPPOSED
DONALDSON	YES	NONE
HUMPHREY	YES	
DYKES	YES	
MULLINS	YES	
LOTT	YES	

5. ABSTENTIONS BY BOARD MEMBERS/BOARD MEMBER DISCLOSURES

There were none.

6. PUBLIC HEARING DEFERRALS/WITHDRAWALS

There were none.

7. POLICY STATEMENT REGARDING APPEAL PROCESS

Mr. Haigh read the Board's policy regarding the appeal process to the audience.

8. PUBLIC HEARING(S)

A. P14-03-C: CONSIDERATION OF A SPECIAL USE PERMIT TO ALLOW A DAY CARE FACILITY IN AN A1 AGRICULTURAL DISTRICT ON 1.00+/- ACRES, LOCATED AT 1140 SAND HILL ROAD, SUBMITTED BY BOBBY & DORA MCKOY (OWNER).

Chair Donaldson read the case heading and called the speaker, Mr. McKoy, forward.

Mr. Haigh reviewed zoning, sketch map, and land use of the area surrounding subject property. He briefly reviewed board packet material.

MR. HAIGH: Are there any other questions beyond that I can answer?

CHAIR DONALDSON: Ms. Mullins?

MS. MULLINS: Not at this time.

CHAIR DONALDSON: Mr. Lott?

MR. LOTT: No sir.

CHAIR DONALDSON: Mr. Dykes?

MR. DYKES: No sir.

CHAIR DONALDSON: Mr. Humphrey?

MR. HUMPHREY: Not at this time.

CHAIR DONALDSON: Is the building complete or is that a house that y'all are converting?

MR. MCKOY: Well, it's not complete. I have my architect here with me.

CHAIR DONALDSON: Ma'am, uh sir.

MR. MCKOY: I have my architect here that drew out this building. We are sort of held up until we get it approved, but we had the, before we decided to go forward, we decided that we would get our architect to come in and do this building for a daycare. So, the plan that he just shown you,

I don't think he showed you the inside plan, but the architect has it, what he have drawn out for a daycare.

CHAIR DONALDSON: Alright, well go ahead Mr. McKoy and tell us why we should do this okay.

MR. MCKOY: Well, one reason that we really want to do this daycare. We operate, we have been operating our daycare in our home for approximately how many years? [To Mrs. McKoy in the audience] Four years. Five years and I feel that with operating in the daycare which we it's up to the number of children that we can operate in the home. So, I feel that by the grace of God for me and my wife to have a piece of mind, we feel like that we decided to come together, prayed about it and feel like that we could just move right across from our property to open up a daycare that we may have our [inaudible] time when the daycare close. So right now, we're operating approximately how many kids? Eight.

MS. MCKOY: [In audience] Eight to ten.

CHAIR DONALDSON: Eight to ten?

MR. MCKOY: Right.

CHAIR DONALDSON: And this one is going to, how many?

MR. MCKOY: Well, approximately forty with probably from, I'm gonna say from 36, probably 36. I think that the farthest we could go is probably would be 35 or 36 because we have to have approximately 4 or 5 workers if we go up to that number.

CHAIR DONALDSON: Do you already have a license for this site?

MR. MCKOY: My wife has the license.

CHAIR DONALDSON: But, didn't you have to get a new license for this site?

MS. MCKOY: [inaudible]

CHAIR DONALDSON: Ma'am?

MS. MCKOY: We will, but we're moving from a home to a center.

CHAIR DONALDSON: Okay.

MR. HAIGH: As I understand it sir, they have to have a local permit to be able to apply for a state license.

CHAIR DONALDSON: The license.

MR. HAIGH: Is that correct?

MR. HUMPHREY: Right.

CHAIR DONALDSON: Okay. Anybody got any questions? Mr. Humphrey?

MR. HUMPHREY: No, I guess not, no.

CHAIR DONALDSON: Ms. Mullins?

MS. MULLINS: I have one.

MR. MCKOY: Yes ma'am.

MS. MULLINS: Just so I have a clear understanding, you started building this before this come to us, correct? I mean, so you already had it in mind that you're gonna do a daycare or was it gonna be a house. I'm trying to get my understanding of how it went, so.

MR. LOTT: I think you're remodeling a house to make it a daycare.

MS. MULLINS: Yeah, is that what you're...?

MR. MCKOY: Right. Exactly.

MS. MULLINS: Oh. Okay.

CHAIR DONALDSON: That's not the house you live in though is it?

MR. MCKOY: No sir.

CHAIR DONALDSON: Okay, so there is a house. That was my question about there was a house there already.

MR. MCKOY: No sir. That was a house that we had moved in there and what we done we had our architect to come in and he redrew the whole house where that it would meet the qualifications of a daycare.

CHAIR DONALDSON: Okay. So there was no house there when you started?

MR. MCKOY: No sir.

CHAIR DONALDSON: Okay, so you started building it before you even got the Special Use Permit.

MR. MCKOY: Well, we didn't build it. We had it moved in there.

CHAIR DONALDSON: Where did...is it a modular home? It doesn't look like it. It looks brick to me.

MR. MCKOY: That's, when we had it moved in our plans was. It wasn't our plan, and since that I sort of wanted a little rest in my home, our plans was to move the home in and to rent it out. So then, I thought about it as more people asked my wife to take care of their kids. So I come up to her and I told her why not let us since we decided not to rent out the home and we decided we'd just go ahead on and turn it on over into a daycare and so far with the daycare that we operate we have not had no trouble. We have had some good parents. Nobody that had no complaints against us. No parents had no complaints. So, so far the daycare has been operating good in our home and

we feel like that even if y'all allow us to move over there, we feel like the daycare will operate much better within this facility.

CHAIR DONALDSON: When did you move the house in there, because I don't know how old this picture, this overhead shot is, but it shows it being totally wooded.

MR. MCKOY: It's been about, I've been working on the house almost about six months, about six months to a year I believe, about six months.

CHAIR DONALDSON: Now you said you moved the house in there?

MR. MCKOY: Yes sir.

CHAIR DONALDSON: So, it was an existing home and you had it moved in there or is it a modular home because it looks brick to me.

MR. MCKOY: It's a home. It was a home. They had to strip the bricks off the home for us to move the home there.

CHAIR DONALDSON: Okay. Alright. I'm just trying to make sure we got the sequence right here.

MR. LOTT: These photographs should be 2010.

MR. MCKOY: This is my architect.

MR. EVANS: Yeah, I just wanted to explain.

CHAIR DONALDSON: Well come up here and be sworn in. I forgot to have him [Mr. McKoy] sworn in anyway.

Chair Donaldson swore in both speakers.

MR. EVANS: I just wanted to explain that they moved that house on that lot and you can see on the picture it was trees and they cleared it and what they did, they were gonna actually make that the residence and then they changed their mind and that's when I was brought in and prepared the plans for a child care center.

CHAIR DONALDSON: What's your name sir?

MR. EVANS: Robert Evans.

CHAIR DONALDSON: Okay.

MR. HAIGH: Could you state your address for the record?

MR. EVANS: 545 Pearl Street, 28303

CHAIR DONALDSON: Alright. Now Ms. Mullins, you got any questions?

MS. MULLINS: No.

CHAIR DONALDSON: How about you, Mr. Lott?

MR. LOTT: Well, I want to make sure. Normally, under these conditions for a daycare there's some pretty stringent state and local rules that have to be adhered to I'm sure.

CHAIR DONALDSON: And the more you have the more stringent it is.

MR. LOTT: Yeah.

MR. EVANS: Well I know that as far as the state goes, you know, they're going to come in when this thing is done. I mean they might look at the plans to see to make sure we got the right amount of bathrooms. Codes, we've already talked to the people in Inspections to make sure we had ramps, plenty of egress, all that stuff. They're just waiting until this is approved until they look at the plans.

CHAIR DONALDSON: Okay. Mr. Dykes?

MR. DYKES: How many days a week do you plan to operate and if so, what would the hours be?

MR. MCKOY: We plan on operating at least five days a week and the hours would be from probably from 6 to 6. Is that right?

MS. MCKOY: Yes.

MR. DYKES: Will each child kind of be like in a supervision capacity, no child will like wander away from?

MR. MCKOY: No sir.

MR. DYKES: So one person will actually look after...?

MR. MCKOY: We would have to have approximately four to five workers if we accumulate 40; I'm going to say 38 kids.

CHAIR DONALDSON: There's a ratio set up by the state.

MR. HUMPHREY: Yea. Ratio the state.

MS. MULLINS: I was going to say, it's about five to...

MR. LOTT: Six.

MS. MULLINS: Yeah. Six to one.

MR. HUMPHREY: The state sets that minimum of the square footage and all that kind of stuff. I did want to ask one question. May I?

CHAIR DONALDSON: Go ahead.

MR. HUMPHREY: Roughly what is the square footage of that building now, just roughly? It looked like a big, it looked real large for a home which is why I was looking at it and I was just curious as to the size and I realize the state will tell you once you get your license how many kids a square foot and bathroom and all that. I have some knowledge of that process, my wife....

MR. MCKOY: It's 3400 square feet and what I did. Before I went on, I went to the health center. I had the lady from the health center which is deal with the state and I had her to come out and she looked over it and everything, so she gave me approval. Which I done my homework.

MR. HUMPHREY: Yeah.

MR. MCKOY: Before I just went on and done this thing. Before we decided to make it a daycare I need to go to the health department. She came out, she looked at it and she told me exactly what I needed to go forward from the health department.

CHAIR DONALDSON: Okay.

MR. MCKOY: And that corresponds with the state.

MR. HUMPHREY: Yeah. I understand the state will come in and tell you.

CHAIR DONALDSON: Any other questions? Anything else you want to say Mr. McKoy?

MR. MCKOY: No sir.

CHAIR DONALDSON: Okay, if you'll just have a seat right there on the front row.

Chair Donaldson called the second speaker, Mr. Williams, forward and swore him in.

CHAIR DONALDSON: Go ahead. State your name and your address sir.

MR. WILLIAMS: My name is Willie Lee Williams. I live at 1165 Sand Hill Road. Right across in Hope Mills.

CHAIR DONALDSON: Okay. Where are you at in relation to this property?

MR. WILLIAMS: About 45 degrees across the street.

CHAIR DONALDSON: Okay. The one in the red there? Right there where you've got the arrow? Are you the first house right there across from him?

MR. WILLIAMS: No I'm the third house actually.

MR. HAIGH: This one here?

MR. WILLIAMS: Right.

CHAIR DONALDSON: Okay.

MR. WILLIAMS: This gentleman here is the second house and this one the house beside that. [Referring to other audience members.]

CHAIR DONALDSON: Alright. Tell me. You're opposed to this?

MR. WILLIAMS: I'm opposed for the sake of getting some information because I'm not sure whether I'm against it or not until I get some information. I believe in everybody being able to survive you know or have a business if they can but I need some information before I can say I'm...

CHAIR DONALDSON: Well, what is it that you're requesting?

MR. WILLIAMS: Okay, my information is, what if, if this is changed to, that would be a commercial building wouldn't it?

MR. LOTT: No.

MR. HUMPHREY: No.

MR. WILLIAMS: It's a business.

CHAIR DONALDSON: Well, no. It's not a commercial. It will not be changed to commercial.

MR. WILLIAMS: Okay.

CHAIR DONALDSON: It's a Special Use Permit.

MR. WILLIAMS: Special Use Permit. Okay. Would it have any bearings? There would be a different tax base on that since it's a business wouldn't it?

CHAIR DONALDSON: You'd have to talk to the tax office about that.

MR. WILLIAMS: Well, so, what I'm saying, I mean as far as property taxes are concerned.

CHAIR DONALDSON: As far as property taxes, they're just going to look at the value of the property and the building and they don't necessarily look at whether it's a, you know,

MR. WILLIAMS: Business.

CHAIR DONALDSON: Cause they've got different tax rates. You know Mr. Hasty?

MR. HASTY: I don't. I mean I don't think it would affect surrounding properties as far as taxes go. It would just be on his particular.

CHAIR DONALDSON: He just gets appraised based on the size of the lot and the size of the building on it.

MR. WILLIAMS: Okay.

MR. LOTT: And also I believe it's allowed in this zoning.

CHAIR DONALDSON: It is. See the other thing too is, as I understand it, probably if at some point in time they wanted to they could convert it back into a house very easily.

MR. WILLIAMS: Alright. That was one of my questions. The next question is, I thought I heard somebody say that PWC had water connected to it?

CHAIR DONALDSON: Well according to the map we've got here, you said the yellow is PWC? The water?

MR. HAIGH: On this map, the blue represents the water.

CHAIR DONALDSON: Blue is the water. Yeah, there's blue running in front of the property down Sand Hill Road. Is that PWC?

MR. HAIGH: Yes sir.

MR. HUMPHREY: Yes.

MR. WILLIAMS: Okay. The reason, my reasoning for asking that question is, the small group of houses there, there's about eight houses and we are on septic tank and well water.

CHAIR DONALDSON: That's because you probably didn't apply to get connected and you didn't pay the fee.

MR. WILLIAMS: No, they didn't ask me.

CHAIR DONALDSON: Well, you can. You can go down there to PWC if you want to.

MR. WILLIAMS: I don't think so.

CHAIR DONALDSON: You don't have to, but I'm just saying, that's your choice.

MR. LOTT: Well, the water is available. The sewer is not.

CHAIR DONALDSON: The sewer is not, but PWC has got water there. Okay.

MR. WILLIAMS: What I was, reason I was questioning this, would it open the door for PWC to come after the rest of us that's, if they run water into this place. There's usually a pattern.

CHAIR DONALDSON: Well, he's going to have to pay a hook up fee. I assume, are you going to use PWC?

MR. MCKOY: PWC has already. I've hooked up.

CHAIR DONALDSON: You've hooked up already?

MR. MCKOY: Yes sir. As you said, it already, it runs past his house.

CHAIR DONALDSON: Right.

MR. MCKOY: There's a water tower past his house. He's my neighbor, so he can hook up just like I, I mean, all he's gotta do is just pull out the money.

CHAIR DONALDSON: How much was the hook-up fee?

MR. MCKOY: Sir.

CHAIR DONALDSON: How much was your hook-up fee?

MR. MCKOY: Five thousand dollars.

CHAIR DONALDSON: But, you don't have to. Now, that's not to say that at sometime in the future they mandate it, because the county can always come in or if you get annexed into the city, although I think this area is one of those agreements with Hope,

MR. HUMPHREY: Hope Mills.

CHAIR DONALDSON: With Hope Mills not to annex, right?

MR. HAIGH: It's in the sewer service area.

CHAIR DONALDSON: Yeah, but it's not to annex. It's an agreement the city and Hope Mills have had for a number of years. But, that's not to say at some point in time the county government or the, if it does get annexed that they don't come in and say, you know, "we're going to make you hook up".

MR. WILLIAMS: Right.

CHAIR DONALDSON: Okay.

MR. WILLIAMS: Okay. Well that was my two basic questions and the reason why I put down opposed. Not that I'm opposed to it, but I need to ask the questions and the only way I could ask them was to be under the opposed section. So, that was what I...

CHAIR DONALDSON: So, you don't have any objection if we allow him to...

MR. WILLIAMS: Based on the answers I have, I have no objection.

CHAIR DONALDSON: Is there anybody else in the audience that's opposed to this?

[No one asked to be recognized.]

CHAIR DONALDSON: You said there was another neighbor there.

MR. WILLIAMS: Yes, gentleman here lives beside me and the next gentleman, he lives across the street and another couple of them was coming down but they are working. The questions they were concerned about, I don't think most of them have a problem with the daycare or anything like that, we just wanted to know if it was going to impact us financially some sort of way. We don't want to pay for someone else's, you know.

CHAIR DONALDSON: Well, short of the county coming in and making you at some point in time in the future which I anticipate they will some years down.

MR. WILLIAMS: I can understand that. That would be no problem.

CHAIR DONALDSON: But then, it won't be one of those where you've got to pay it all at once. They'll prorate it out.

MR. WILLIAMS: Whatever you decide, I'm not opposed to it based on the information I just received.

CHAIR DONALDSON: Okay. Any questions?

MR. HUMPHREY: I have none. None.

MS. MULLINS: No.

CHAIR DONALDSON: Anything further?

MR. HUMPHREY: I don't have any.

[Public Hearing closed.]

CHAIR DONALDSON: Alright. Any discussion?

MR. HUMPHREY: Apparently there's a need for daycare in Cumberland County and throughout, and if he can meet the conditions that the Planning staff have put on him then I'm totally in favor for it. There are a lot of daycare and a lot of needs.

CHAIR DONALDSON: I've got to ask Mr. Haigh something. I meant to ask this at the initial. I saw during the reading of this that this is designated Sand Hill Road will be a four lane road at some time in the future.

MR. HAIGH: Yes sir.

CHAIR DONALDSON: There's just no projected time frame.

MR. HAIGH: No, just...

MR. LOTT: It's number three on the list.

CHAIR DONALDSON: Oh it is?

MR. LOTT: Yes sir.

MR. HAIGH: Which means...

MR. LOTT: According to what I read.

MR. HAIGH: And that's the priority for it to even receive funding, so it's pretty low

CHAIR DONALDSON: Oh well, that's so many years down the road. I just didn't. Did y'all know that Mr. Williams?

MR. WILLIAMS: Yes, I knew this and that was one of my concerns too, based on the fact that those houses are so close to the road and it's a speedway as it is.

CHAIR DONALDSON: Well, you'll have to fight the state on that.

MR. WILLIAMS: Right. Now that's another fight.

CHAIR DONALDSON: Alright. Any further discussion?

MR. HUMPHREY: I have none.

CHAIR DONALDSON: Alright. Any motions?

MR. HUMPHREY: I would move that we go forward with this application, favorable.

MR. LOTT: Second.

	IN FAVOR	OPPOSED
DONALDSON	YES	NONE
HUMPHREY	YES	
DYKES	YES	
MULLINS	YES	
LOTT	YES	

MR. HUMPHREY: Have we got to go through this? Probably have, don't we. I'll do it if you don't.

CHAIR DONALDSON: I've got my book here.

MR. HUMPHREY: You got it. Okay.

CHAIR DONALDSON: Well first off, it's one that's allowed in the thing. Y'all are free to go [to the audience], all I've got to do is give the order. Oh, there is one question. There was some special conditions right Mr. Haigh?

MR. HAIGH: Yes sir.

CHAIR DONALDSON: Where are they? I didn't see...

MR. HAIGH: They are in the back of your packet.

CHAIR DONALDSON: I looked and I couldn't find them unless I was overlooking.

MR. HAIGH: Looks like it's page...

CHAIR DONALDSON: I kept looking for them but I was trying to listen at the same time. No, it didn't get in there.

MR. HUMPHREY: Mr. Chairman, if you like I can amend my motion to include.

CHAIR DONALDSON: Yeah, go ahead.

MR. HUMPHREY: Let me amend that motion submitted to the board to say that this favorable motion is based on them incorporating all the items that are required by land use permit.

	IN FAVOR	OPPOSED
DONALDSON	YES	NONE
HUMPHREY	YES	
DYKES	YES	
MULLINS	YES	
LOTT	YES	

CHAIR DONALDSON: Okay, now getting back to where I was at. This is a request for a Special Use in an agri-. This is an A1.

MR. HAIGH: Yes sir.

CHAIR DONALDSON: A1. Is it A1 or R40?

MR. HAIGH: It's A1 it's just adjacent to that R40 district.

CHAIR DONALDSON: Okay. In granting the Special Use Permit, the Board has found that:

1. The use will not materially endanger the public health or safety if located according to the plan submitted and recommended.

It's on sufficient size property. It's actually a daycare center or proposed daycare center that will be subject to the rules and regulations of the state, county and state, for use of operation of daycare facilities.

2. The use meets all required conditions and specifications.

This is an agricultural A1 location. The proposed special use permit is for a daycare facility which is permitted under the rules, the Land Use.

3. The use will maintain or enhance the value of adjoining or abutting properties, of that the use is a public necessity.

That it is a public necessity because of the growing population growth in that area. I'm just taking judicial notice of that because it is a growing area and that the use of building of a daycare facility is a public necessity to assist and facilitate the care of children of parents in that area.

4. The location and character of the use, if developed according to the plan as submitted and recommended, will be in harmony with the area in which it is to be located and it in general conformity with Cumberland County's most recent Land Use Plan.

It will be in harmony with the area in which it is to be located and is in general conformity with the Cumberland County's most recent Land Use Plan and that the site does not materially affect any other property around it. Also, that the adjoining land owners have no objection to it proceeding as a special use permit and that he will, part of it in addition to 1, 2, and 3 on the order that he comply with all the special use permit and conditions of the request for the permit.

CHAIR DONALDSON: You'll get an order on this Mr. McKoy and then you have to go to the county and the state about the rest of it okay, but we've granted the special use permit which allows to proceed from this point.

MR. MCKOY: Thank you.

9. DISCUSSION

CHAIR DONALDSON: Any discussion?

MR. HAIGH: Just that we have no cases for next month so we will not have a meeting for the May schedule.

CHAIR DONALDSON: You're breaking our heart.

MR. DYKES: Once, we get them though, we'll have four or five.

10. UPDATE(S)

CHAIR DONALDSON: Any updates on anything?

MR. HAIGH: Just the Coliseum district, or Coliseum Tourism Overlay District will now allow billboards as a permitted use, but with 1000 foot separation in that area instead of the 500 foot as it is for the rest of the county.

CHAIR DONALDSON: Has the county, has the commissioners approved it or the zoning board approved it and all?

MR. HAIGH: It goes before the commissioners on Monday the 21st at 7:00 p.m.

CHAIR DONALDSON: Has the city approved it yet? Do you know?

MR. HAIGH: Well,

CHAIR DONALDSON: Well, wait a minute, is this a part of the joint thing, or is this just the county?

MR. HAIGH: Yes.

MR. HUMPHREY: They're part of it too.

MR. HAIGH: It's joint. As far as I know, this is also in agreement with the city's.

CHAIR DONALDSON: So, the effective date will probably be next Monday night then, or unless they put a different effective date on it.

MR. HAIGH: Yes sir. I guess the commissioners date got moved to the 22nd.

MS. MULLINS: Yes.

MR. HAIGH: So, on Tuesday.

MS. MULLINS: I was getting ready to say it's the 22nd.

CHAIR DONALDSON: Okay. So, it should be sometime next week it will be effective unless they put a different start date on it right?

MR. HAIGH: Yes sir.

CHAIR DONALDSON: Well, we won't see the other gentleman anymore unless he's got some cases pending still.

MR. HAIGH: No, not in that area definitely.

CHAIR DONALDSON: Any updates? Yes, I was about to ask, I don't want to but I am. Any updates, particularly on Tiger Swan Mr. Hasty?

MR. HASTY: No updates.

CHAIR DONALDSON: I mean other than the fact that they're still mad at us.

MS. MULLINS: Oh, they are.

MR. HASTY: Nothing new on that really.

CHAIR DONALDSON: Huh?

MS. MULLINS: They are.

CHAIR DONALDSON: Well, they're gonna stay mad. The legislature is going to intervene and allow this and that's going to be the end of it. They're going to take it out of the county's hands because you got the one, Drake Landing, up there in Harnett County and you got this one.

MR. DYKES: I remember looking at something in the paper about that Tuesday. They said something about the federal something might step in and make sure they're doing everything legal according to what they're supposed to be doing. It's kind of a federal thing now.

CHAIR DONALDSON: Federal don't have any jurisdiction.

MR. HASTY: I haven't heard anything about that.

MR. HUMPHREY: No.

CHAIR DONALDSON: They don't have any jurisdiction over this. This is purely a local issue.

MR. HUMPHREY: No. Local right. State issue.

MR. DYKES: They were saying like, in the paper they had like falsified information saying they had instructors out there that train people how to shoot out there and they're saying that it's really kind of up in the air. It was in Tuesday's newspaper.

MR. LOTT: I guarantee you there's people out there that's trained.

MS. MULLINS: And they said there was no helicopters but there is. I live right there so, just saying.

MR. DYKES: Exactly.

CHAIR DONALDSON: Well, you know, you're probably going to have to recuse yourself when it comes up since you're a landowner there. You live right there. You know that don't you?

MS. MULLINS: No. I don't have a vested interest in it right? Is that what it goes?

CHAIR DONALDSON: I think for everything concerned, you're probably going to have to recuse yourself.

12. ADJOURNMENT

Mr. Humphrey made a motion to adjourn at 7:33 p.m., seconded by Mr. Dykes.

Members:
Ed Donaldson, Chairman
Horace Humphrey, Vice-Chair
Joseph M. Dykes
Vickie Mullins
George Lott



Alternates:
Yvette Carson
Winton McHenry
Nathan Feinberg
Joseph Decosta
Alfonso Ferguson Sr

CUMBERLAND COUNTY BOARD OF ADJUSTMENT
130 Gillespie Street
Fayetteville North Carolina 28301
(910) 678-7602

2015

COUNTY BOARD OF ADJUSTMENT
DEADLINE/MEETING SCHEDULE

Application Deadline

Meeting Date

Tuesday, December 9, 2014

Thursday, January 15, 2015

Wednesday, January 14, 2015

Thursday, February 19, 2015

Wednesday, February 11, 2015

Thursday, March 19, 2015

Friday, March 13, 2015

Thursday, April 16, 2015

Wednesday, April 15, 2015

Thursday, May 21, 2015

Tuesday, May 12, 2015

Thursday, June 18, 2015

Thursday, June 11, 2015

Thursday, July 16, 2015

Wednesday, July 15, 2015

Thursday, August 20, 2015

Tuesday, August 11, 2015

Thursday, September 17, 2015

Friday, September 11, 2015

Thursday, October 15, 2015

Tuesday, October 13, 2015

Thursday, November 19, 2015

Friday, November 6, 2015

Thursday, December 17, 2015

Friday, December 11, 2015

Thursday, January 21, 2016

NOTE: Generally, deadlines are set 24 working days prior to the Board meeting date.

P14-04-C
SITE PROFILE

P14-04-C: CONSIDERATION OF A SPECIAL USE PERMIT TO ALLOW A BILLBOARD IN A C(P) PLANNED COMMERCIAL DISTRICT ON 1.76+/- ACRES; LOCATED ON THE EAST SIDE OF NC HIGHWAY 87 SOUTH, AND ACROSS FROM AND SOUTH OF THE INTERSECTION WITH SR 2220 (TOM STARLING ROAD); SUBMITTED BY CHARLES ANTHONY AND CINDY MARIE ALLEN (OWNERS) AND M. GREY VICK ON BEHALF OF GREY OUTDOOR, LLC.

Site Information:

Frontage & Location: 148'+/- on NC HWY 87 S

Depth: 420'+/-

Jurisdiction: Cumberland County

Adjacent Property: No

Current Use: Vacant

Initial Zoning: C(P) – March 1, 1994 (Area 17)

Nonconformities: None

Zoning Violation(s): None

Surrounding Zoning: North: C(P), A1, RR, R15/CUD (to allow 312 lots with tree cutting restriction); West: A1, A1/CU (to allow automatic car wash) RR; East: C(P), A1, R40A; South: A1

Surrounding Land Use: Residential (including manufactured dwellings)

School Enrolled/Capacity: N/A

2030 Growth Strategy Plan: Urban Area

Special Flood Hazard Area (SFHA): None

Water/Sewer Availability: PWC water & gravity sewer exists on the west side of NC Hwy 87 S

Subdivision/Site Plan: See attached "Ordinance Related Conditions"

Soil Limitations: None

Average Daily Traffic Count (2010): 18,000 on NC HWY 87

Municipal Influence Area: N/A

Highway Plan: NC Hwy 87 South is a principal arterial. There are no road improvements/construction specified for this area. This case has no impact on the current Highway Plan or Transportation Improvement Program.

Cumberland County Zoning Ordinance Reference: Section 1307 Billboards (off-premises signs)

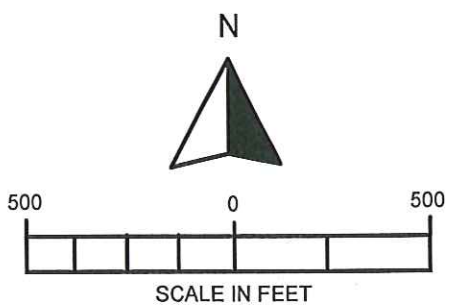
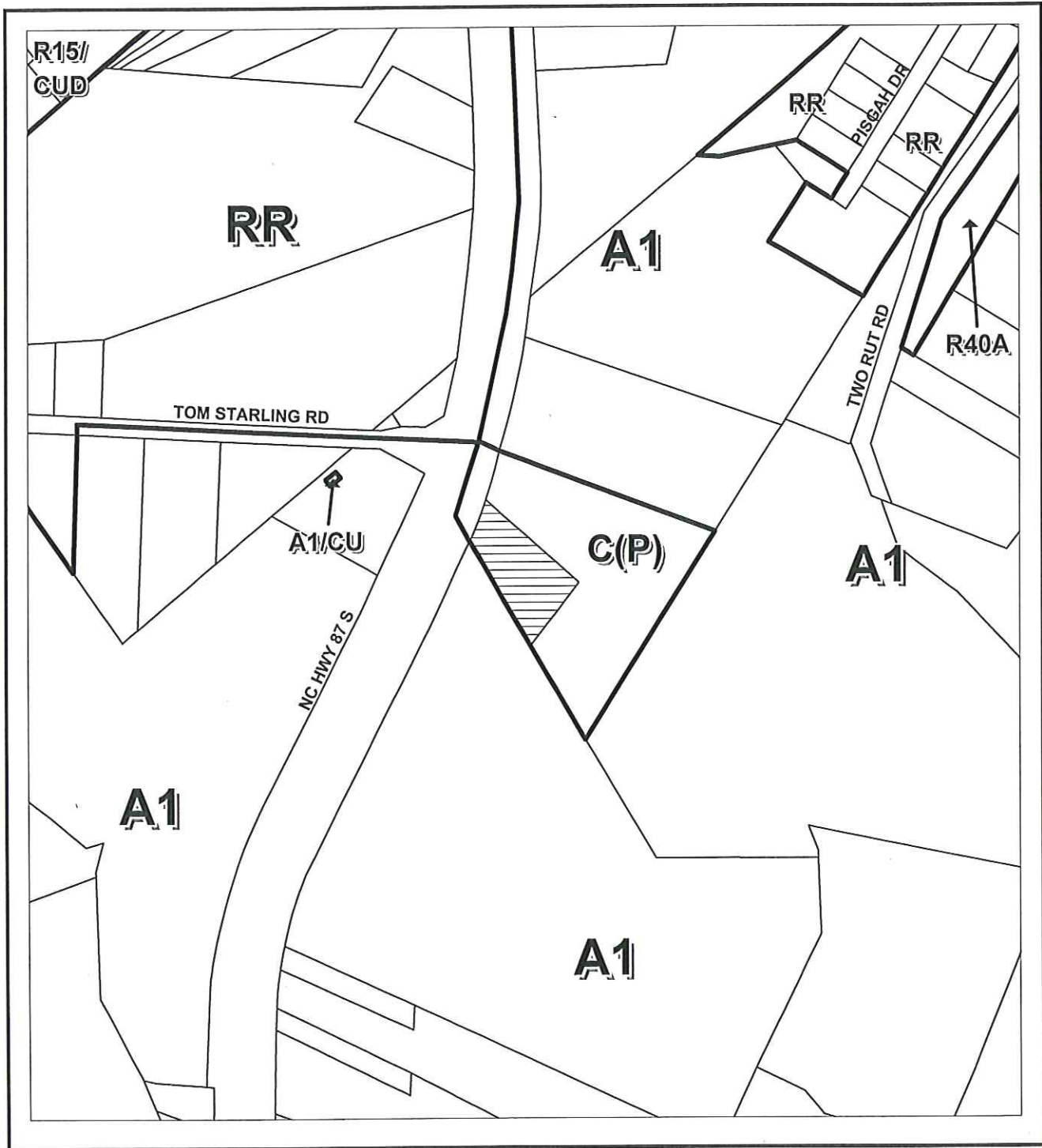
Notes:

Contents of Application:

- a. Proposed billboard, maximum height 35 feet
- b. Billboard will be illuminated
- c. Billboard sign area: 480 square feet on each side

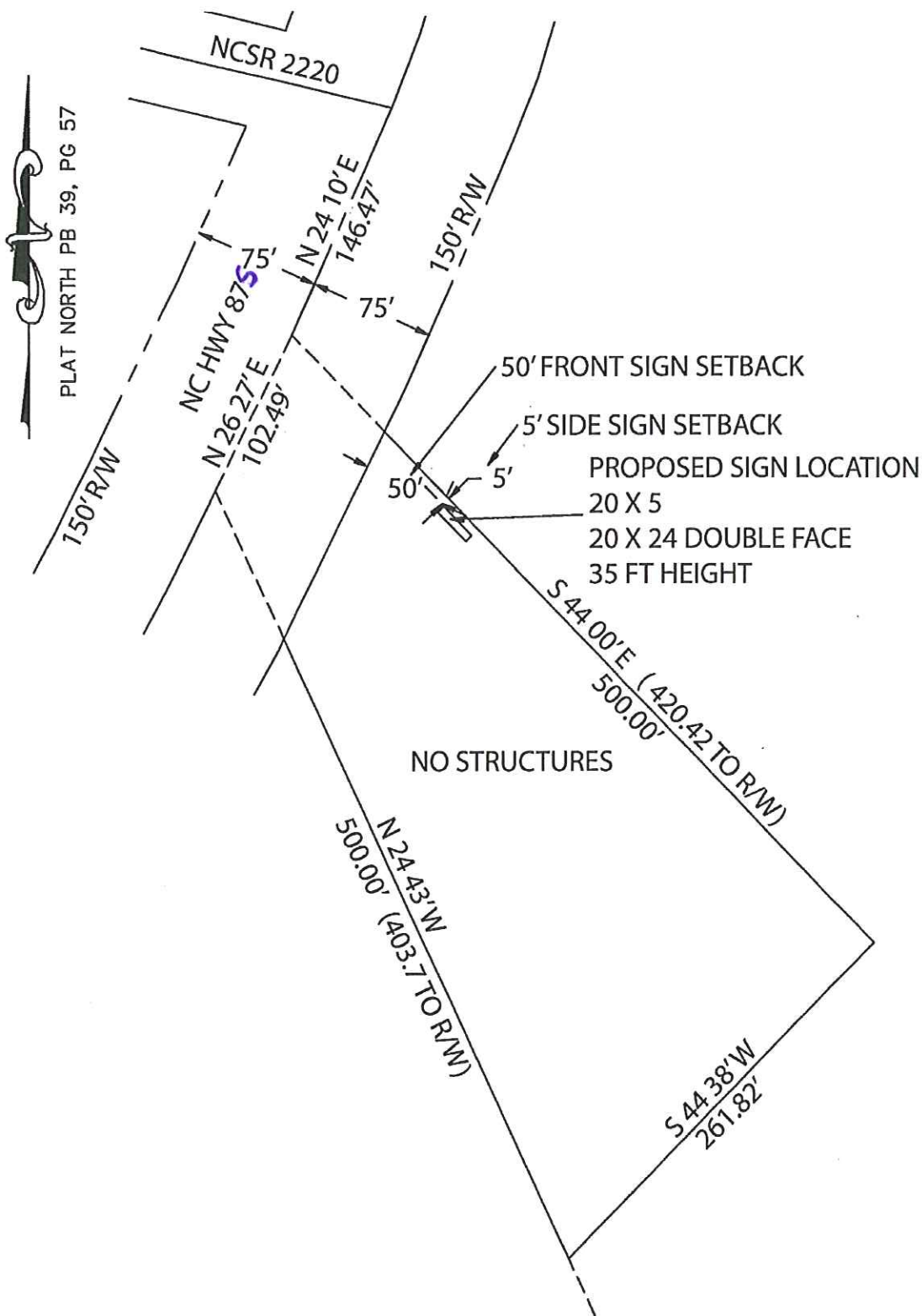
First Class and Record Owners' Mailed Notice Certification

A certified copy of the tax record owner(s) of the subject and adjacent properties and their tax record mailing address is contained within the case file and is incorporated by reference as if delivered herewith.



BOARD OF ADJUSTMENT SPECIAL USE PERMIT

ACREAGE: 1.76 AC.+/-		HEARING NO: P14-04-C	
ORDINANCE: COUNTY		HEARING DATE	ACTION
GOVERNING BOARD			



BOARD OF ADJUSTMENT
SPECIAL USE PERMIT
REQUEST: TO ALLOW A BILLBOARD IN A C(P)
PLANNED COMMERCIAL DISTRICT
CASE: P14-04-C ACREAGE: 1.76 AC.+/-
ZONED: C(P) SCALE: NTS

BOARD OF ADJUSTMENT

LOCATION OF PROPERTY: Hwy 87
OWNER: Charles A. Allen III + Cindy M. Allen
ADDRESS: 2233 Wilmington Rd ZIP CODE: 28306
TELEPHONE: HOME 910-263-0103 WORK same
AGENT: Grey Outdoor, LLC
ADDRESS: P o Box 494 Wrightsville Beach NC 28480
TELEPHONE: HOME 910-620-3567 WORK _____
E-MAIL: coastal nc properties @ hotmail.com

APPLICATION FOR A SPECIAL USE PERMIT
As required by the Zoning Ordinance

- A. Parcel Identification Number (PIN #) of subject property: 0443-667221
(also known as Tax ID Number or Property Tax ID)
- B. Acreage: 1.76 Frontage: 102.49 Depth: 403.7
- C. Water Provider: PWC
- D. Septage Provider: PWC
- E. Deed Book 5112, Page(s) 738, Cumberland County Registry. (Attach copy of deed of subject property as it appears in Registry).
- F. Existing use of property: vacant
- G. It is proposed that the property will be put to the following use: (Describe proposed use/activity in detail including hours of operation, number of employees, signage, parking, landscaping, etc.) erect billboard 480 sq ft
50 ft row setback 5 ft side setback

STATEMENT OF ACKNOWLEDGMENT

Regarding appearance before the Board of Adjustment, the undersigned owner(s), agents, or their assigns, by virtue of their signature(s) to this application, hereby acknowledge the following:

- That although appearance before the board is not required, it is strongly encouraged;
- The board will hear any and all argument for and against this matter before them and such relevant facts will be given under sworn testimony;
- At the public hearing the board has the authority to approve, deny, or defer the request for additional information to be provided;
- If the petitioner or their representative for this application does not appear personally before the board. whether there is opposition or not, the board has full authority to consider the case.
- If the board's decision is to deny the matter before them, the aggrieved party shall file a **"Notice to Intent to Appeal" with the Planning & Inspections Staff on the next business day following the meeting in which the board's decision was made final, or the next business day following receipt of the written copy thereof.**
- Any petition for review by Superior Court shall be file with the Clerk of Superior Court within 30 days after the decision of the board is made final.

Signed acknowledgment that the Planning and Inspections Staff has explained the application process and procedures regarding this request and the public hearing procedure stated above.

SIGNATURE OF OWNER(S) _____

Charles Allen IV

PRINTED NAME OF OWNER(S) _____

Charles Allen IV

DATE _____

Jan 1 2014

Special Use Permit – Board of Adjustment

(Billboard)

DRAFT

Ordinance Related Conditions

Permit-Related:

1. The owner/developer(s) of these lots must obtain detailed instructions on provisions of the County Zoning Ordinance and permits required to place any structure within this development from the County Code Enforcement Section, Room 101 in the Historic Courthouse at 130 Gillespie Street. For additional information, the developer should contact a Code Enforcement Officer.
2. For any future development, connection to public water and sewer is required, the Public Works Commission (PWC) must approve water and sewer plans prior to application for any permits. A copy of the PWC approval must be provided to Code Enforcement at the time of application for building/zoning permits. (Section 2306 A.1, Public Water and Sewer Systems, County Subdivision and Development Ordinance)
3. The developer must provide a site-specific address and tax parcel number at the time of building/zoning permit application.
4. The final inspection cannot be accomplished until a Code Enforcement Officer inspects the site and certifies that the site is developed in accordance with the approved plans.

Site-Related:

5. All uses, dimensions, setbacks and other related provisions of the County Subdivision and Development Ordinance and Zoning Ordinances for the C(P) zoning district must be complied with, as applicable.
6. "NCSR 2220" must be labeled as "Tom Starling Road" on all future plans.
7. For any new development, an adequate drainage system must be installed by the developer in accordance with the NC Department of Environment and Natural Resources' (NCDENR) *Manual on Best Management Practices* and all drainage ways must be kept clean and free of debris. (Section 2306 D, County Subdivision and Development Ordinance)
8. For new development, all utilities, except for 25kv or greater electrical lines, must be located underground. (Section 2306 C, County Subdivision and Development Ordinance)
9. The developer may be required to obtain a driveway permit from the NC Department of Transportation (NCDOT). A copy of the approved driveway permit must be provided to Code Enforcement at the time of application for building/zoning permits.
10. All lighting is required to be directed internally within this development and comply with the provisions of Section 1102 M, Outdoor Lighting, County Zoning Ordinance.
11. The owner/developer is responsible and liable for maintenance and upkeep of this site, all structures, and appurtenances, to include ensuring that the site is kept free of litter and debris, all grass areas mowed, all buffers and shrubbery kept trim and maintained, so that the site remains in a constant state of being aesthetically and environmentally pleasing.

Advisories:

12. The applicant is advised to consult an expert on wetlands before proceeding with any development – a small amount of wetlands may exist along the east side of the subject property.
13. The owner/developer is responsible for ensuring easements which may exist on the subject property are accounted for, not encumbered and that no part of this development is violating the rights of the easement holder.

14. This conditional approval is not to be construed as all encompassing of the applicable rules, regulations, etc. which must be complied with for any development. Other regulations, such as building, environmental, health and so forth, may govern the specific development. The developer is the responsible party to ensure full compliance with all applicable Federal, State, and local regulations.

Thank you for choosing Cumberland County for your business location!

If you need clarification of any conditions, please contact Ed Byrne at 910-678-7609 or Patti Speicher at 910-678-7605 with the Land Use Codes Section; otherwise, contact the appropriate agency at the contact numbers below.

Contact Information (Area Code is 910 unless otherwise stated):

Subdivision/Site Plan/Plat	Ed Byrne	678-7609
Code Enforcement (Permits):	Ken Sykes	321-6654
County Building Inspections:	Gary Faulkner	321-6648
County Health Department:	Daniel Ortiz	433-3680
Ground Water Issues:	Matt Rooney	678-7625
PWC:	Heidi Maly	223-4737
County Public Utilities/NORCRESS:	Amy Hall	678-7637
Corp of Engineers (wetlands):	Liz Hair	(910) 251-4049
NCDENR (E&S):	Sally Castle	433-3300
Location Services:		
Site-Specific Address:	Ron Gonzales	678-7616
Tax Parcel Numbers:		678-7549
NCDOT (driveways/curb-cuts):	Gary Burton	486-1496
N.C. Division of Water Quality:	Mike Randall	(919) 733-5083 ext. 545